

-MICHAEL COLIHAN- ATTORNEY AT LAW

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October 3, 2011

Clerk of the Court
for Civil Filings
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007

RE; -Palomini v NYC et al

Dear Mesdames & Sirs:

I represent the plaintiff in this action for violation of his civil rights. Please find enclosed all the forms and fees to commence an action in the Southern District plus an SASE for the return.

THANKS FOR YOUR ATTENTION & CONSIDERATION !. .

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MC/ll

Very Truly Yours,

/s/

Michael Colihan, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL F. PALOMINI

Plaintiff

-against-

THE CITY OF NEW YORK P.O. JONATHAN E. QUINTO
Shield # 21184 & POLICE OFFICER JOHN DOE 1-5

Defendants
-----X

COMPLAINT
PLAINTIFF DEMANDS
TRIAL BY JURY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL F. PALOMINI

Plaintiff

-against-

THE CITY OF NEW YORK, ESSENCE A. JACKSON
Shield # 10248 and POLICE OFFICER JOHN DOE 1-10

COMPLAINT
PLAINTIFF DEMANDS
TRIAL BY JURY
11-cv-07004

Defendants
-----X

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF
PAUL F. PALOMINI

1. This is a civil action for damages brought pursuant to redress the deprivation by defendants of the rights secured to plaintiff under the Constitution and laws of the United States and State of New York. The defendants, upon information & belief, without a warrant and without probable cause, arrested and falsely imprisoned the plaintiffs.

2. That the jurisdiction of this Court is invoked under the provisions of Section 1331 & 1383 of Title 28 and Sections 1983 & 1988 of Title 42 of the United States Code . Plaintiff further invokes the pendant jurisdiction of this Court to consider claims arising under state law. The amount in controversy exceeds \$75,000.00 excluding costs and attorney's fees.

3. That at all times hereinafter mentioned, the plaintiff PAUL F. PALOMINI was and still is a resident of the City & State of New York.

4.. Upon information and belief the defendant THE CITY OF NEW YORK was and is a municipal corporation organized and existing under the laws of the City and State of New York.

5. That the defendants POLICE OFFICER ESSENCE A. JACKSON, Sh. # 10248 and POLICE OFFICERS JOHN DOE 1-10 were and are agents, servants & employees of the defendant THE CITY OF NEW YORK.

6 . That on or about the 17th day of May, 2011, the plaintiff PAUL F. PALOMINI was

lawfully in the County of Kings, City & state of New York at or near 167 Lake Street..

7. That while at the aforesaid time and place the plaintiff was unlawfully and without just cause, approached, accosted, and arrested by the aforementioned officers of THE NEW YORK CITY POLICE DEPARTMENT who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions.

8. That by reason of the foregoing the plaintiff suffered loss of liberty for approximately forty eight six hours and serious and severe psychological injuries some of which, upon information & belief are permanent in nature.

9. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF PAUL F. PALOMINI

10. Plaintiff repeats, realleges and reiterates each and every allegation of the complaint with the same force and effect as if more fully set forth at length herein.

11. That after the aforementioned accosting and arrest of the plaintiff by the defendants, the plaintiff was falsely arrested & imprisoned by the aforementioned officers of the CITY OF NEW YORK, including but not limited to the individually named officers, who were agents, servants & employees of the defendant THE CITY OF NEW YORK and falsely prosecuted under Kings County docket number 2011KN039400

12. That the aforementioned criminal action was eventually dismissed before Judge John Wilson in APF-1 of the Criminal Court of the City of New York & County of Kings on or about September 14, 2011.

13. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF
PAUL F. PALOMINI

14. Plaintiff repeats, realleges and reiterates each and every allegation of the complaint with the same force and effect as if more fully set forth at length herein.

15. In the manner as aforesaid, each of the defendants, jointly & severally, acted maliciously, willfully and wantonly, and outside the scope of his jurisdiction, although under color of law, and violated the following rights of the plaintiff; to be free from unreasonable search & seizure, from warrantless search & seizure, from use of excessive force, assault & battery, summary punishment without trial & due process of law.

16. Defendants, its agents servants and employees, by their conduct herein alleged, intentionally, willfully and without justification, and under color of law did deprive the plaintiff of his rights, privileges and immunities secured to him by the Constitution and the laws of the United States, and by 42 U.S.C. Sections 1983 & 1988 and by the statutes and laws of the state of New York which are invoked under the pendant jurisdiction of this Court.

17. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF PAUL F. PALOMINI

18. Plaintiff repeats, realleges and reiterates each and every allegation of the complaint with the same force and effect as if more fully set forth at length herein.

19. The defendant THE CITY OF NEW YORK was careless reckless and negligent in the selection, investigation, hiring, training, supervision and direction of their employees, and in particular, the individually named defendants.

20. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF
OF THE PLAINTIFF PAUL F. PALOMINI

21. The plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

22. At all times material to this complaint, defendant THE CITY OF NEW YORK had de facto policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.

a) 23. At all times material to this complaint, defendant THE CITY OF NEW YORK failed to properly train, screen, supervise, or discipline employees and police officers, and failed to inform the individual defendants' supervisors of their need to train, screen, supervise or discipline the individually named defendants and DOES. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein, causing injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

24. As a result of the foregoing, plaintiff was deprived of liberty, suffered bodily and emotional injury, pain and suffering, great humiliation, costs and expenses, and was otherwise damaged and injured.

WHEREFORE, the plaintiff respectfully preys to the court for judgment upon each cause of action as follows:

a. Compensatory damages in an amount which this Court shall consider to be just and fair:

b. Punitive and exemplary damages in an amount which this Court

shall consider to be just & fair;

c. Attorney's fees in an amount which this Court shall consider just & fair;

d. Together with the costs and disbursements of this action and such other and further relief which this Court may seem just & proper.

DATED: BROOKLYN, NY
October 3, 2011.

-----/s/-----

MICHAEL COLIHAN (MC-0826)
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